



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 30 2000

OFFICE OF
CIVIL RIGHTS

CERTIFIED MAIL # Z 480 247 123
RETURN RECEIPT REQUESTED

In Reply to Refer to:
EPA File No: 8R-00-R4

Messrs. Harry C. McPherson
Neil Thomas Proto
and Lawrence E. Levinson
Verner, Liipfert, McPherson and Hand
901 15th Street, N. W.
Washington, D. C. 20005-2301

Re: REJECTION OF ADMINISTRATIVE COMPLAINT

Dear Sirs:

This letter concerns the March 30, 2000 administrative complaint that you filed with the Civil Rights Division of the United States Department of Justice (DOJ) on behalf of Equal Justice Coalition. On May 25, 2000, DOJ referred your complaint to the United States Environmental Protection Agency (EPA) Office of Civil Rights (OCR) for review and further action since some of the allegations raised in the complaint may fall under EPA's jurisdiction. DOJ has also referred your complaint to the United States Departments of Energy, Defense, Interior, and Transportation for their review.

Your complaint alleges violations of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d *et seq.* (Title VI), and EPA's regulations implementing Title VI at 40 C.F.R. Part 7, by Federal entities, environmental groups, and private organizations. Specifically, your complaint alleges, among other things, that actions taken by Federal entities, environmental groups, and private organizations listed in your complaint discriminated against minority residents living in Homestead, Florida and Florida City, Florida concerning the future use of the Homestead Air Force Base. For reasons discussed below, OCR is rejecting your complaint.

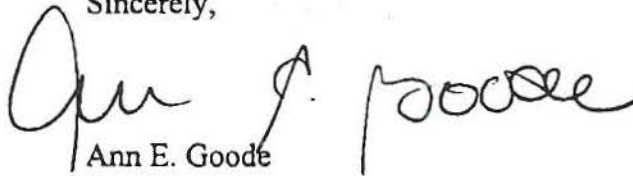
Under Title VI, a recipient of Federal financial assistance may not discriminate on the basis of race, color, or national origin. Pursuant to EPA's Title VI administrative regulations, OCR conducts a preliminary review of Title VI complaints for acceptance, rejection, or referral.

40 C.F.R. § 7.120(d)(1). A complaint should meet jurisdictional requirements as described in EPA's Title VI regulations. First, it must be in writing. Second, it must describe alleged discriminatory acts that, if proven true, may violate EPA's Title VI regulations. Third, it must be timely filed. Under EPA's Title VI regulations a complaint must be filed within 180 calendar days of the alleged discriminatory act. 40 C.F.R. § 7.120(b)(2). Fourth, because EPA Title VI regulations only apply to recipients of EPA financial assistance, it must identify an EPA recipient that allegedly committed a discriminatory act. 40 C.F.R. § 7.15.

Since Title VI is applicable only to programs and activities of recipients of Federal financial assistance, not to Federal agencies, OCR cannot investigate your complaint against any of the Federal agencies. Additionally, based on the information available to EPA, OCR has determined that none of the environmental groups and private organizations listed in your complaint received any financial assistance from the EPA. Therefore, OCR has no jurisdiction to investigate any of the Federal agencies, environmental groups, and private organizations listed in your complaint. OCR is, however, by way of carbon copy of this letter, referring your complaint to EPA's Office of Environmental Justice for their review and consideration.

If you have any questions, please contact Mr. Mirza P. Baig of my staff by phone at (202) 564-7288, by e-mail at baig.mirza@epamail.epa.gov, or by mail to the U.S. EPA, Office of Civil Rights (MC 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460.

Sincerely,

A handwritten signature in black ink, appearing to read "Ann E. Goode", written over a horizontal line.

Ann E. Goode
Director

cc: Merrily A. Friedlander, Chief
Coordination and Review Section
Civil Rights Division
U. S. Department of Justice

John Hankinson, Jr.
Regional Administrator
EPA Region 4

Anne Heard (w/copy of complaint)
Title VI Coordinator
EPA Region 4

Rafael DeLeon, Associate General Counsel (w/copy of complaint)
Civil Rights Law Office
Office of General Counsel (MC 2311A)

Barry E. Hill, Director (w/copy of complaint)
Office of Environmental Justice (MC 2201A)
Office of Enforcement and Compliance Assurance

Marsha L. Minter, Special Assistant
Office of the Administrator (MC 1103)

James B. Lewis, Director
Office of Economic Impact & Diversity
U.S. Department of Energy
1000 Independence Avenue, S. W., Room 5B110
Washington, D. C. 20585

Mr. Claiborne D. Haughton, Director
Equal Opportunity Policy
OUSD (P & R)
U. S. Department of Defense,
Room 3A272
Pentagon, D. C. 20301-4000

Ms. Mercedes Florez, Acting Director
Office for Equal Opportunity
U. S. Department of the Interior
1849 C Street, N. W.
Mail Stop 5221
Washington, D. C. 20240

Mr. Ronald A. Stroman, Director
Office of the Secretary
Departmental Office of Civil Rights
U. S. Department of Transportation
400 7th Street, S. W., Room 10215
Washington D. C. 20590